

ALTON, NEW HAMPSHIRE

MINOR SITE PLAN REVIEW REGULATIONS

CLASS I & II HOME OCCUPATIONS REGULATIONS

SECTION 1 - AUTHORITY

Whereas, the local legislative body voted on March 13, 1991, that the Planning Board of the Town of Alton was authorized to delegate its site plan review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the Planning Board from the planning, building, police, fire and highway departments. The Minor Site Plan Review Committee will have final authority to approve or disapprove site plans reviewed by it, provided that a decision of the Committee may be appealed to the full Planning Board.

Whereas, the Planning Board voted in accordance with such resolution the following regulations are to be known as the Minor Site Plan Review Regulations. These regulations shall be maintained by the Planning Board and be administered by the Minor Site Plan Review Committee as provided under the provisions of RSA 674:43.

SECTION 2 - PURPOSE OF MINOR SITE PLAN REVIEW REGULATION:

It is the intent and purpose of this regulation to provide review standards for certain types of restricted home occupational uses. Only such uses will be allowed which are consistent with the town zoning ordinance; class I & II uses must:

1. be incidental to the use of the premises as a residence;
2. be compatible with residential uses;
3. be limited in extent;
4. not detract from the residential character of the neighborhood;
5. not require a variance or special exception (site plans requiring a variance or special exception must be reviewed before the Planning Board)

This regulation delineates and defines those types of home occupations which shall be allowed to come before the Minor Site Plan Review Committee for approval. Any home occupation which does not fall within these regulations will be subject to the full procedure of Site Plan Review approval as administered by the Planning Board.

SECTION 3 - HOME OCCUPATION: CLASS I - Accessory Uses:

3:1 DEFINED AS: A use incidental and subordinate to the main use and occupying the same lot.

In that the following types of home occupations create no increased traffic, require no

MINOR SITE PLAN REVIEW REGULATIONS

additional parking, do not materially harm or affect the residential or rural quality of the area, direct letters of acknowledgment may be issued by the Minor Site Plan Review Committee for the following types of accessory uses conducted in a home (without notification of abutters):

- a. A use which is conducted within the home that has no impact on the neighborhood with regard to traffic, parking, septic, noise, fire hazard, toxic hazard, or other effects of a commercial use being conducted in residential areas. The following will be a guide to determining what is an accessory use: composer, writer, artist, data processor, architect, engineer, home craftsman.
- b. A use which is conducted entirely off premises except for customer contact at home via telephone. Examples of these uses conducted off premises, are, but are not limited to, realtor, landlord, tutor, house cleaner, and certain types of building tradesmen.

3:2 REQUIREMENTS: A Class I accessory use shall be allowed by the committee as long as the following requirements are met:

- a. The use is customarily incidental, subordinate, and related to the primary use as a dwelling.
- b. There is no exterior sign exclusive of signs on a vehicle used in the normal operation of the accessory use.
- c. The use attracts no customers, patrons, or employees to the home.
- d. No one other than the residents of the dwelling shall be employed in the conduct of the accessory use.
- e. There is no evidence that a business is being conducted within the home, exclusive of a sign upon a vehicle as allowed in (b) above. Merchandise is not displayed or offered for sale within or outside of the home on the premises.
- f. The on site storage and work area connected with the use shall be no more than 25% of the gross floor area up to a maximum of 300 square feet of floor area.
- g. The applicant must certify that the materials stored within allowed areas do not pose a fire hazard or toxic hazard.
- h. A Class I accessory use shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat. The use as provided by this section shall be completely contained within the dwelling.
- i. All vehicles used and parked on the premises shall be customarily incidental, subordinate, and associated with the primary use. An example of a customary vehicle is a pickup truck or a light van used by an electrician or carpenter.

TO THE EXTENT THAT ACCESSORY USES ARE TRULY INCIDENTAL, SUBORDINATE, AND CUSTOMARY THEY REQUIRE NO APPROVALS.

SECTION 4 - HOME OCCUPATION CLASS II - Combined Dwelling and Business

4:1 DEFINED AS: Any gainful occupation or profession carried on exclusively by a resident of the premises, entirely within a dwelling unit, provided such use is secondary to the use of the premises for dwelling purposes, and provided that there are not more than two nonresident employees (see also 4:2b).

4:2 REQUIREMENTS: A Class II combined dwelling and business shall be reviewed and approved by the committee so long as the following requirements are met:

a. A home occupation shall be incidental to the use of a dwelling unit for residential purposes.

1. No more than 25% of gross floor area or up to a maximum of 500 square feet of floor area of a dwelling unit and accessory buildings may be used in connection with a home occupation or for storage purposes in connection with a home occupation. Gross floor area of a dwelling unit, in this case shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit, including basements and habitable attic space.

Square footage of the floor area of accessory buildings may also be considered with the following stipulation: The square footage of the area in an accessory building used for a home occupation must not exceed 50% of the total area used for the Class II home occupation. (areas used in dwelling + accessory building = 25% of gross floor area or up to a maximum of 500 square feet).

If more than one business is conducted in the home, the combined total of floor area of a dwelling unit and accessory buildings used for business purposes may not exceed 25% to a maximum of 500 square feet.

(2. Bed & Breakfast deleted 12/97)

SECTION 4 - HOME OCCUPATION CLASS II - Combined Dwelling and Business
(Cont.)

- b. Accessory buildings may be used for storage in connection with a Class II Home Occupation and for limited activities which are incidental, secondary, and occasional in use to the home occupation. Use of an accessory building in connection with a home occupation shall be secondary in use to the building itself. The majority of activities associated with the home occupation must be carried on inside the dwelling structure.
- c. The individual primarily responsible for the home occupation must reside in the dwelling.
- d. Not more than two nonresident employees shall be employed on the premises. The number of off site employees is not limited.
- e. Not more than six non resident people associated with the business (including customers) may be on the premises on an ongoing basis. This number may be decreased to the number which can be sustained by available parking facilities so as not to require the applicant to provide additional parking space.
- f. In no case shall a home occupation be open to the public at time earlier than 7:00 a.m. nor later than 9:00 p.m.
- g. A sign shall be no larger than 6 square feet; the reverse side on a sign shall not be considered as additional square footage and may be lettered. Sign construction shall comply with Zoning Ordinance Section 240; a sign permit is required.
- h. There shall be no exterior storage of materials to be used in conjunction with a home occupation.
- i. All storage of material shall be governed by the degree of hazard. The hazard of all materials shall be determined by the Building Inspector as per Life Safety Code Section 4-2. High Hazard material storage as described in the Life Safety Code shall **NOT** be allowed under this section.
- j. The applicant must certify that the materials stored within allowed areas do not pose a fire hazard or toxic hazard.
- k. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat. A home occupation as provided by this section shall be completely contained within the allowed structures. Any noise, odors or heat detectable beyond the property lines or beyond the walls of the allowed dwelling unit, if the unit is part of a multifamily structure, shall constitute a violation of the terms of this provision.

SECTION 4 - HOME OCCUPATION CLASS II - Combined Dwelling and Business
(Cont.)

- l. (Section (l) deleted 12/97 from 9/9/96 version)
- m. Notice to abutters and a public hearing must be held before the Site Plan Review Committee approves or disapproves a Class II Home Occupation application.
- n. Multifamily dwelling units:
 1. Home occupations that attract customers, clients, or students to the premises for sales or services shall not be allowed in multifamily dwelling units.
 2. All applications for approval must include a letter of consent from the property owner or documented agent of the multifamily dwelling structure.

SECTION 5 (deleted 12/97 from 9/9/96 version)

SECTION 6 - APPLICATION PROCEDURE:

6:1 GENERAL PROVISIONS

CLASS I (application optional)

No formal application or approval is necessary. If requested in writing by the applicant, the Minor Site Plan Review Committee shall issue a letter acknowledging an accessory use. The letter will be based upon a finding that the accessory use is customarily incidental, subordinate, and related to the primary use. The letters are neither transferable through change of ownership nor can they be transferred to any other location. If an acknowledgement letter is requested, a complete Class I application must be submitted.

CLASS II

Upon receipt of a completed application, the Minor Site Plan Review Committee shall schedule a public hearing with notification of abutters to review the application. The Committee will act upon an application within 30 days and complete work upon it within 60 days of application. The Committee shall only act upon those applications which comply with these regulations and issue a permit, which shall remain valid unless revoked for cause. Permits are neither transferable through change of ownership nor can they be transferred to any other location.

6.2 COMPLETED APPLICATION

A completed application shall consist of abutters list, notice fees (for Class II applications), a completed application form, the fees noted in section below, and submission of all information delineated on the check list which accompanies the application form.

It is incumbent upon the applicant to reapply for proper classification, as the business grows, to a new class, either for Class II or for full Site Plan Review as applicable.

SECTION 7 - FEES:

CLASS I:

\$20.00 application fee, inspection free.

CLASS II:

(Fees Revised 7/7/05)

\$40.00 application fee, \$20.00 inspection fee.

Abutter Notification- All notices to abutters shall be paid by the applicant \$5.00 per abutter (including designer and agent if applicable) and \$10.00 notice to owner

Newspaper Notification Fee-\$50.00

SECTION 8 - APPEALS:

The judgment of the Minor Site Plan Review Committee shall be considered decisive and final unless formally appealed to the full Planning Board within 20 days of the Committee's written determination.

SECTION 9 - RELATIONSHIP TO THE ZONING ORDINANCE:

The Minor Site Review Regulations in no way relieve the applicant or his/her agent from compliance with the Zoning Ordinance. If a Special Exception and/or Variance is required under the Zoning Ordinance, the plan does not qualify for Minor Site Plan Review; such plans must be brought before the Planning Board for regular Site Plan Review.

The more restrictive standard shall apply whenever the provisions of this regulation differ from those prescribed by the Zoning Ordinance, or any other statute or restriction.

Home occupations or businesses that comply with the above conditions may be approved only where permitted by the provisions of the Zoning Ordinance, and upon issuance of a permit to the applicant for a Class II combined dwelling and business.

SECTION 10 - SEPARABILITY:

MINOR SITE PLAN REVIEW REGULATIONS

If any section, provision, portion, clause or phrase of the regulations shall be found to be null and void, such a finding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

SECTION 11 - AMENDMENT:

These regulations may be amended by the Planning Board, but only after an advertised public hearing on the proposed change(s). The Chairman or secretary of the Planning Board shall transmit a record of any changes adopted to the Town Clerk.

SECTION 12 - INSPECTIONS:

All Class II home occupations shall be subject to periodic inspections by the Building Inspector and owners shall make themselves available upon request.

SECTION 13 - ENFORCEMENT:

It shall be the responsibility of the Building Inspector/Code Enforcement Officer to enforce the provisions of this regulation. Upon any violation of this regulation the Building Inspector/Code Enforcement Officer shall give notice to the owner to make such corrections as he/she may deem necessary to bring the use and operation into compliance with the conditions of approval. Such order shall be complied with within 60 days from the notice. If the owner fails to conform with the notice and order of the Building Inspector/Code Enforcement Office any permit or letter issued by the Minor Site Plan Review Committee shall be rescinded.

In addition, the offender shall be compelled to seek Site Plan approval by the Planning Board, or shall be compelled to seek permit approval for a Class II Home Occupation, as applicable.

The Building Inspector/Code Enforcement Officer may take such additional action to restrain, prevent, or abate any violation of this regulation and on, behalf of the Selectmen, shall be entitled to all of the reimbursement and restitutionary relief and penalties granted to municipalities by RSA: 676:15, and 676:17.

Permits shall be posted on the premises.

NOTES

MINOR SITE PLAN REVIEW REGULATIONS

PERMITS SHOULD BE POSTED ON PREMISES

Accessory Use & Combined Dwelling and Business Application (Home Occupation)

DATE: _____ CLASS I _____ CLASS II _____ CASE # _____

APPLICANT NAME: _____

ADDRESS: _____

TELEPHONE # _____

LOCATION OF DWELLING: _____

TAX MAP #: _____ LOT #: _____ CURRENT ZONING: _____

LAND OWNER OF RECORD:

NAME: _____

ADDRESS: _____

TELEPHONE: _____

DESCRIPTION OF HOME OCCUPATION: _____

WILL CUSTOMERS BE COMING TO THE HOME? YES _____ NO _____

WILL MERCHANDISE BE SOLD AT THE HOME? YES _____ NO _____

WILL THERE BE EMPLOYEES WORKING ON PREMISES OTHER THAN THOSE
LIVING IN THE HOME? YES _____ (if so, how many _____) NO _____

HOW MANY TOTAL EMPLOYEES WILL BE EMPLOYED ON PREMISES IN THE HOME
OCCUPATION, INCLUDING THOSE LIVING AT THE HOME: FULL TIME: _____
PART TIME: _____

WILL ACCESSORY BUILDINGS BE USED IN CONNECTION WITH THE HOME
OCCUPATION: YES _____ NO _____

THE HOME IS A: SINGLE FAMILY UNIT _____ MULTI-FAMILY UNIT _____

SQUARE FOOTAGE OF DWELLING _____

SQUARE FOOTAGE OF ACCESSORY BUILDINGS (if applicable) _____

MINOR SITE PLAN REVIEW REGULATIONS

TOTAL SQUARE FOOTAGE OF AREAS TO BE USED FOR HOME OCCUPATION (to be included on sketch, if applicable) DWELLING _____

ACCESSORY BUILDING _____

FRONTAGE ON WHAT ROAD(S): _____

SEPTIC DESCRIPTION: _____

STATE APPROVAL #: (if available) _____

WATER: MUNICIPAL _____ OR WELL _____

MATERIALS USED IN CONNECTION WITH OCCUPATION: _____

DO THESE MATERIALS POSE: FIRE HAZARD _____
TOXIC HAZARD _____

WILL YOU BE APPLYING FOR A SIGN PERMIT?
(Class II only) YES _____ NO _____

I/We consent to allow the Minor Site Plan Review Committee or its representative to make on site inspection(s) of my/our property as deemed necessary for the evaluation of my/our home occupation application.

I/WE understand all information required by regulations must be supplied; noncompliance is grounds for denial. RSA 676:4

I/WE understand it is incumbent upon the applicant to reapply for proper classification, as the business grows, to a new class, either for Class II or for full Site Plan Review as applicable.

Signature of Applicant/or agent:

_____ Date: _____

_____ Date: _____

Signature of property owner:

_____ Date: _____

CHECKLIST

REQUIRED INFORMATION FOR CLASS I & II HOME OCCUPATIONS

ITEM REQUIRED	SUBMITTED	NOT SUBMITTED
1. Complete application form	_____	_____
2. Abutters names, addresses and information regarding abutting property, including both sides of street (May be narrative, ex. 4-bedroom house, church, gas station, etc.)	_____	_____
3. Filing Fees	_____	_____
4. Inspection Fees	_____	_____
5. Name of owners(s) of record	_____	_____
6. Address of owner(s) of record	_____	_____
7. Applicants name & address	_____	_____
8. Tax Map & Lot Number	_____	_____
9. Zone designation	_____	_____
10. Private deed restrictions	_____	_____
11. Other relevant information	_____	_____
12. Letter of consent from owner if property is multifamily dwelling	_____	_____

REQUIRED FOR CLASS II

A. Notice Fees	_____	_____
B. A sketch including:		
1. scale 1" = 20 feet	_____	_____
2. roads - name & width	_____	_____
3. building lines drawn with square footage to be used if for home occupation	_____	_____
4. existing easements on site (include rights of way)	_____	_____
5. location of driveways on site	_____	_____
6. location of parking facilities	_____	_____
7. location of septic system & capacity on site	_____	_____
8. existing wells or water mains	_____	_____